

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALFREDA POWELL,

Plaintiff,

v.

XAVIER S. FLEURIDOR; LOVE TRANSIT,
LLC; PRIME INSURANCE COMPANY;
JOHN DOES 1-5; and RICHARD ROE
CORPORATIONS 1-5

Defendants.

CIVIL ACTION FILE NO.:

PETITION FOR REMOVAL

COME NOW defendants, Love Transit, LLC and Xavier S. Fleuridor (“defendants” or “these defendants”), by and through counsel, and by way of special appearance, without waiving but specifically reserving all jurisdictional defenses available to them, hereby remove the above-styled action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

1.

Plaintiff initiated this action in the State Court of Henry County, Georgia, where it was styled *Alfreda Powell v. Xavier S. Fleuridor, Love Transit, LLC, Prime Insurance Company, John Does 1-5, Richard Roe Corporations 1-5*, Civil Action Number SUCV-2022-002781. (Exhibit A, Plaintiff’s Second Amended Complaint).

2.

In its response to Xavier S. Fleuridor’s First Requests for Admissions (request for admissions), Plaintiff admitted that the amount in controversy in this case exceeds \$75,000,

exclusive of interest and costs, thereby satisfying the amount in controversy for federal court jurisdiction under 28 U.S.C. § 1332(a). (Exhibit B, Plaintiff's Response to defendant Xavier S. Fleuridor's First Request for Admissions, response to request number 3).

3.

Plaintiff served her responses to the request for admission on these defendants on February 14, 2023. As such, this petition is timely. *See* 28 U.S.C. § 1446(b)(3).

4.

Plaintiff has been a citizen of Georgia since March 13, 2021, and she has resided within one or more of the counties comprising the Atlanta Division of the Northern District of Georgia since March 13, 2021. (Exhibit B, responses to request numbers 1 and 2).

5.

Xavier S. Fleuridor is a citizen and resident of Florida.

6.

Love Transit, LLC is a foreign limited liability company registered in the State of California, with its principal place of business located at 1587 Rick Drive, Yuba City, CA 95993, and is therefore a citizen of California.

7.

Defendant Prime Insurance Company is foreign insurance company incorporated in Illinois, with a principal place of business located at 8722 S. Harrison Street, Sandy UT 84070 and is therefore a citizen of both Illinois and Utah.

8.

There is complete diversity of citizenship between plaintiff and all defendants.

9.

All named defendants have consented in the removal to federal court.

10.

Because this action was brought in the State Court of Henry County, it is properly removed to the Atlanta Division of the United States District Court for the Northern District of Georgia, pursuant to 28 U.S.C. §§ 1441(a) and 1446.

11.

These defendants will file with the Clerk of Court for the State Court of Henry County a Notice of Filing Petition for Removal pursuant to 28 U.S.C. § 1446(d), attached hereto as Exhibit C.

WHEREFORE, these defendants request that this Court allow the removal of this action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted this 10th day of March 2023.

FREEMAN MATHIS & GARY, LLP

/s/ Wayne S. Melnick
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CERTIFICATE OF SERVICE

I hereby certify that on 9th day of March 2023, I electronically filed **PETITION FOR REMOVAL** with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to the following attorneys of record:

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This 10th day of March, 2023.

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